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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/527,729

03/14/2005

Ralph Stripling

OT-5075

8865

26584

7590

11/07/2006

OTIS ELEVATOR COMPANY
INTELLECTUAL PROPERTY DEPARTMENT
10 FARM SPRINGS
FARMINGTON, CT 06032

EXAMINER

NICHOLSON III, LESLIE AUGUST

ART UNIT

PAPER NUMBER

3651

DATE MAILED: 11/07/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/527,729

Applicant(s)

STRIPLING ET AL.

Examiner

Leslie A. Nicholson III

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 October 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7 and 9-11 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5, 9-11 is/are rejected.
- 7) ☒ Claim(s) 6 and 7 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 10 October 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 10/16/2006.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____.

DETAILED ACTION

Response to Arguments and Amendments

1. Applicant has successfully disqualified reference USP 6,450,316 under 35 U.S.C. 103(c) by showing that the invention was owned by, or subject to an obligation of assignment to, the same entity as 10/527729 at the time this invention was made.

Due to Applicant's amendments, all previous objections to the drawings are hereby withdrawn.

Applicant's arguments regarding Kubota and Kotkata have been fully considered but they are not persuasive. Applicant argues neither Kubota or Kotkata disclose "a plurality of marking elements arranged in a line on the flange elements and the bridge elements along the circulating direction and having a limited width perpendicular to the circulating direction". In response, the Examiner disagrees. Kubota discloses marking elements (811,821,831) arranged in a non-continuous line on the bridge elements (412,423) and arranged in a non-continuous line on the flange elements (410,430) (lower part of each flange).

Specification

2. The following guidelines illustrate the preferred layout for the specification of a utility application. These guidelines are suggested for the applicant's use.

Arrangement of the Specification

As provided in 37 CFR 1.77(b), the specification of a utility application should include the following sections in order. Each of the lettered items should appear in

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upper case, without underlining or bold type, as a section heading. If no text follows the section heading, the phrase "Not Applicable" should follow the section heading:

- (a) TITLE OF THE INVENTION.
- (b) CROSS-REFERENCE TO RELATED APPLICATIONS.
- (c) STATEMENT REGARDING FEDERALLY SPONSORED RESEARCH OR DEVELOPMENT.
- (d) THE NAMES OF THE PARTIES TO A JOINT RESEARCH AGREEMENT
- (e) INCORPORATION-BY-REFERENCE OF MATERIAL SUBMITTED ON A COMPACT DISC (See 37 CFR 1.52(e)(5) and MPEP 608.05. Computer program listings (37 CFR 1.96(c)), "Sequence Listings" (37 CFR 1.821(c)), and tables having more than 50 pages of text are permitted to be submitted on compact discs.) or
REFERENCE TO A "MICROFICHE APPENDIX" (See MPEP § 608.05(a). "Microfiche Appendices" were accepted by the Office until March 1, 2001.)
- (f) BACKGROUND OF THE INVENTION.
 - (1) Field of the Invention.
 - (2) Description of Related Art including information disclosed under 37 CFR 1.97 and 1.98.
- (g) BRIEF SUMMARY OF THE INVENTION.
- (h) BRIEF DESCRIPTION OF THE SEVERAL VIEWS OF THE DRAWING(S).
- (i) DETAILED DESCRIPTION OF THE INVENTION.
- (j) CLAIM OR CLAIMS (commencing on a separate sheet).
- (k) ABSTRACT OF THE DISCLOSURE (commencing on a separate sheet).
- (l) SEQUENCE LISTING (See MPEP § 2424 and 37 CFR 1.821-1.825. A "Sequence Listing" is required on paper if the application discloses a nucleotide or amino acid sequence as defined in 37 CFR 1.821(a) and if the required "Sequence Listing" is not submitted as an electronic document on compact disc).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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4. Claims 1,2,3,4,10,11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kubota USP 5,622,246 in view of Kotkata USP 4,863,006.

Kubota discloses a similar people mover comprising:

- An endless tread belt formed from several tread elements connected to one another, which is driven by a drive unit about a first and second reversal point (at least fig.1)
- A side skirt (combination of elements 410-430,512,523,811-831) on the tread elements comprising flange elements (410,430) joined to the tread belt and bridge elements (412, 423) connected movably to the flange elements
- A plurality of marking elements (811,821,831, and lower part of flange 410,430) arranged in a non-continuous line on the side skirt along the circulating direction and having a limited width perpendicular to the circulating direction (fig.4)
- A rib (O_{41} , O_{42} , O_{43}) provided on each of the flange elements and bridge elements of the side skirt, wherein the ribs are arranged in series essentially along a straight line in a linear area of the people mover (at least fig.4)
- The plurality of marking elements are clips and a clip is provided for each flange element or bridge element (fig.4)

Kubota does not expressly disclose a sensor arranged adjacent to the side skirt, the sensor having a limited detection range perpendicular to a circulating direction of the side skirt, wherein the sensor is a noncontact sensor.

Kotkata teaches a sensor (10) arranged adjacent to the side skirt, the sensor having a limited detection range perpendicular to a circulating direction of the side skirt,

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wherein the sensor is a noncontact sensor, for the purpose of detecting a problem with the escalator (at least C2/L26-50).

At the time of invention it would have been obvious to one having ordinary skill in the art to employ a sensor arranged adjacent to the side skirt, the sensor having a limited detection range perpendicular to a circulating direction of the side skirt, wherein the sensor is a noncontact sensor, as taught by Kotkata, in the device of Kubota, for the purpose of detecting a problem with the escalator.

5. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kubota USP 5,622,246 in view of Kotkata USP 4,863,006 further in view of Stoxen USP 6,601,688.

Kubota discloses all the limitations of the claim, but does not expressly disclose the sensor being that of a magnetic sensor.

Stoxen teaches a sensor being that of a magnetic sensor (C2/L12-14) for the purpose of the sensor detecting the metallic material of the marking element.

At the time of invention it would have been obvious to one having ordinary skill in the art to employ the use of a magnetic sensor, as taught by Stoxen, in the device of Kubota, for the purpose of the sensor detecting the metallic material of the marking element.

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6. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kubota USP 5,622,246 in view of Kotkata USP 4,863,006 further in view of Spannhake USP 6,267,219.

Kubota discloses all the limitations of the claim, but does not expressly disclose two of the sensors connected in series.

Spannhake teaches two of the sensors connected in series for the purpose of the software program identifying the data signal at a circuit level (C3/L4-19).

At the time of invention it would have been obvious to one having ordinary skill in the art to have two of the sensors connected in series, as taught by Spannhake, in the device of Kubota, for the purpose of the software program identifying the data signal at a circuit level.

Allowable Subject Matter

7. Claim 6,7 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

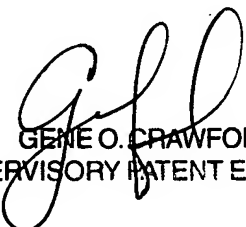
9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Leslie A. Nicholson III whose telephone number is 571-272-5487. The examiner can normally be reached on M-F, 8:30 AM - 5 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gene Crawford can be reached on 571-272-6911. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

L.N.
11/6/2006


GENE O. CRAWFORD
SUPERVISORY PATENT EXAMINER